THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL No.1378 OF 2005

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Dt: 18.08.2005

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Between:

Ch.R.V.V.Swamy Naidu

S/o.Venkateswararao Naidu

Working as Physical Director

KGRL College, Bhimavaram

W.G.District … APPELLANT

AND

The Commissioner-Director of Collegiate

Education, Andhra Pradesh, Nampally

Hyderabad and others … RESPONDENTS

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JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

This Writ Appeal is filed by the appellant-writ petitioner aggrieved by the Order, dated 20.06.2005, in Writ Petition No.23958 of 2002 passed by a learned single Judge of this Court.

The said Writ Petition was filed to declare the action of the first respondent in passing the Order dated 11.04.2002 rejecting the claim of the writ petitioner to admit his post into grant-in-aid with effect from the date of the Order of this Court in Writ Petition No.11531 of 1983 dated 17.07.1985 as illegal and arbitrary.

Initially on 08.09.1978 the writ petitioner was appointed as Physical Director in the K.G.R.L Junior College. In the year 1983, when the third respondent-College invited applications for filling up the post of Physical Director, he applied for it as he possessed required qualifications, but the third respondent erroneously selected an unqualified person viz., S.S.Bhagawan on 20.11.1983 and the same was ratified by the Governing Body on 04.12.1983. Questioning the said selection, the writ petitioner earlier filed W.P.No.11531 of 1983 before this Court and the same was allowed on 17.07.1985. Aggrieved by the said order, the third respondent preferred W.A.No.787 of 1985, which was dismissed on 16.09.1985. However, the third

respondent issued posting orders to the writ petitioner on 29.12.1992, but he was not appointed with retrospective effect from 04.12.1983. The Government issued a Memo dated 11.07.1991 assigning UGC scales prospectively i.e., from the date of issuance of the order dated 11.07.1991. Aggrieved thereby, he made several representations, but, no action has been taken. The first respondent issued impugned proceedings dated 11.04.2002 rejecting the writ petitioner's claim for his admission into grant-in-aid with retrospective effect and stating that there is no need to revise the earlier orders. Questioning the same, the Writ Petition was filed.

The learned single Judge after going into the merits of the case, dismissed the Writ Petition. Aggrieved by the same, the present Writ Appeal has been preferred.

The learned Judge, while dismissing the Writ Petition, observed that since the Government Memo dated 11.07.1991 was not under challenge, the writ petitioner was not entitled to pay fixation with effect from 17.07.1985. It was further observed that no proceedings have been filed by the writ petitioner to show that he was selected by the duly constituted Selection Committee prior to 1991. Since the writ petitioner was given promotion as Physical Director in the Degree College with effect from 11.07.1991, the Government rightly granted him UGC pay scales with effect from the said date. So, the learned Judge was of the view that the order under challenge does not suffer from any incurable legal infirmities.

In view of the cogent reasons given by the learned Judge, we do not find any reason to interfere with the Order of the leaned single Judge.

Accordingly, the Writ Appeal is dismissed. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 18.08.2005

bsv/lvl